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THE CITY OF NEW YORK
LAW DEPARTMENT

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MEMO ENDORSED

October 12, 2007

VIA FAX

Honorable Colleen McMahon
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

10/18/07
Core Staff -
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Re: Santiago v. City of New York, et al., 07 CV 6389 (CM)

Your Honor:

I am the Assistant Corporation Counsel assigned to the defense of this matter on behalf of the City of New York. In his complaint, plaintiff Rafael Santiago alleges that New York City Police Officers assaulted and battered him. More specifically, plaintiff alleges that while being held in a holding cell inside the precinct after being arrested, several officers entered the cell, punched him, kicked him and then tasered him while he was on the ground. Defendant requests that the matter be stayed pending the completion of the Internal Affairs Bureau ("IAB") investigation. We contacted plaintiff's counsel and he consents to this request.

The reason for this request is as follows. The IAB is currently conducting an investigation into the incident that is the subject of this lawsuit. Not only are the individually named defendants, Sgt. Murphy and Officer Petrillo, subjects of this investigation but there are other officers who either witnessed or had some involvement in the incident, who are also subjects of the investigation. As long as this investigation is open, our office is not able to speak with any of the subject officers. Accordingly, our office is not able to make any representational decisions as required by Section 50-k of the General Municipal Law with respect to the currently named officer defendants.

Upon information and belief, several of the subject and witness officers have already been interviewed. Accordingly, IAB will need to finish interviewing the remaining subject and witness officers and make a decision as to whether any formal charges will be substantiated. Given the length of time that the investigation has been open, it is estimated that the investigation will be completed within approximately one – two (1 – 2) months.

Defendants previously requested an extension of time to answer the complaint on or about August 9, 2007, which was granted on consent by Your Honor on or about August 14, 2007.

In the alternative, if Your Honor denies the within request, defendant City of New York respectfully requests one additional week to respond to the complaint.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Craig Hanlon', is written over a horizontal line.

Craig Hanlon (CH 5679)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Andrew F. Plasse, Esq. (Via E-Mail)
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